

United States Court of Appeals for the Federal Circuit

2012-1118: SCIELE PHARMA V LUPIN LTD

U.S. District Court
District of Delaware
Judge Robert B. Kugler

Lower Court/Agency #: 09-CV-0037
Nature of Suit: 830
Case Type: Civil Private
DCT Type: Infringement
Basis of Jurisdiction: Federal Question

Notice of Appeal Received: 12/27/2011
Notice of Appeal Filed: 12/09/2011
Docketed and Notice Sent to Parties: 12/28/2011
Certified List Filed: / /

Fee Paid: 12/09/2011
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<u>Date</u>	<u>Event Summary</u>
	Nothing Due
01/05/2012	Appellant Principal Brief Filing Date
01/26/2012	Appellee or Cross Appellant Principal Brief Filing Date
	Appellant Reply Brief Filing Date
	Appellee or Cross Appellant Reply Brief Filing Date
	Appendix Filing Date
	Oral Argument Date/Calendared
02/06/2012	Disposition: Vacated and Remanded; Panel
02/22/2012	Mandate

United States Court of Appeals for the Federal Circuit

2012-1118: SCIELE PHARMA V LUPIN LTD

List of Parties/Representation

Party Type/Name

Represented by

Plaintiff-Appellee

Andrx Corporation
Andrx EU Ltd.
Andrx Laboratories (NJ) Inc.
Andrx Labs LLC
Andrx Pharmaceuticals L.L.C.
Andrx Pharmaceuticals, Inc. (d/b/a
Watson Lab)

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Bar admit: 07/29/1991
EOA Filed: 01/10/2012

Sciele Pharma Inc (n/k/a Shionogi
Pharma Inc.)

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EOA Filed: 01/25/2012

United States Court of Appeals for the Federal Circuit

2012-1118: SCIELE PHARMA V LUPIN LTD

Party Type/Name

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EOA Filed: 01/10/2012

Defendant

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Mylan Pharmaceuticals Inc.

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EOA Filed: / /
Principal Attorney

United States Court of Appeals for the Federal Circuit

2012-1118: SCIELE PHARMA V LUPIN LTD

Party Type/Name

Represented by

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Lupin, Ltd.

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EOA Filed: 12/27/2011

United States Court of Appeals for the Federal Circuit

2012-1118: SCIELE PHARMA V LUPIN LTD

Docket Entries

Date	Type	Entry#	Entry Text
12/28/2011	F	1	Appeal docketed on 12/28/2011. EOD(12/28/2011 by CLT) 2012-1118
12/28/2011	O	2	Official Caption. Court Service - 12/28/11. Filed: 12/28/11. REV(12/28/11 by CLT) 2012-1118
12/28/2011	M	3	Appellant [Lupin Pharmaceuticals, Inc., et al.] - Motion for stay of injunction pending appeal. (nonconfidential and confidential versions) Hand Service - 12/27/11. Filed: 12/27/11. Reply 1 (10) Filed: 01/09/12 Reply 2 (11) Filed: 01/13/12 Action on Motion (24): We vacate the preliminary injunction and remand this matter for proceedings consistent with this order. The motion is moot. by Motions Panel. Judge: Moore Filed: 02/06/12. EOD(12/28/11 by CLT) REV(02/06/12 by LS) 2012-1118
12/28/2011	M	4	Appellant [Lupin Pharmaceuticals, Inc., et al.] - Motion to expedite appeal. (nonconfidential and confidential versions) Hand Service - 12/27/11. Filed: 12/27/11. Action on Motion (6): Motion granted to extent that Lupin's opening brief is due w/in 7 days from date of filing of this order, appellees' response brief is due w/in 21 days of date of service of Lupin's opening brief. (see order for details) by Motions Panel. Judge: Linn Filed: 12/29/11. EOD(12/28/11 by CLT) REV(02/17/12 by LRP) 2012-1118
12/29/2011	O	5	Ordered: The appellees are directed to respond to the motion for a stay no later than 5:00 p.m. on January 9, 2012. Lupin's reply is due no later than January 13, 2012. By: Motions Panel. Judge: Linn. Court Service - 12/29/11. Filed: 12/29/11. REV(12/29/11 by LS) 2012-1118
01/06/2012	O	7	Entry of Appearance for Beth D. Jacob as counsel on behalf of the appellants, Lupin Pharmaceuticals, Inc., et al. Mail Service - 12/27/11. Filed: 12/27/11. REV(01/06/12 by AR) 2012-1118
01/06/2012	O	8	Entry of Appearance for Douglass C. Hochstetler as principal attorney on behalf of the appellants, Lupin Pharmaceuticals, Inc., et al. Mail Service - 12/27/11. Filed: 12/27/11. REV(01/06/12 by AR) 2012-1118

United States Court of Appeals for the Federal Circuit

2012-1118: SCIELE PHARMA V LUPIN LTD

Date	Type	Entry#	Entry Text
01/10/2012	O	9	Confidential and non-confidential exhibits to Declaration of Christopher R. Noyes in support of the opposition of appellee Shionogi Inc. (f/k/a Sciele Pharma, Inc.) to appellant Lupin Ltd.'s motion to stay pending appeal (conf. exhs in vault) Mail Service - 01/09/12. Filed: 01/10/12. REV(01/11/12 by CS) 2012-1118
01/17/2012	O	12	Appellee Sciele's Supplemental Authority pursuant to Rule 28(j) in regards to pending motion for stay of injunction. (sent to OGC) Mail Service - 01/13/12. Received: 01/13/12. REV(01/17/12 by LRP) 2012-1118
01/20/2012	O	13	Entry of appearance for David B. Bassett as principal counsel on behalf of appellee, Shionogi, Inc. (f/k/a Sciele Pharma, Inc.) Mail Service - 01/09/12. Filed: 01/10/12. REV(01/25/12 by SCN) 2012-1118
01/20/2012	O	14	Entry of appearance for David A. Manspeizer as of counsel on behalf of appellee, Shionogi, Inc. (f/k/a Sciele Pharma, Inc.) Mail Service - 01/09/12. Filed: 01/10/12. REV(01/25/12 by SCN) 2012-1118
01/20/2012	O	15	Entry of appearance for Christopher R. Noyes as of counsel on behalf of appellee, Shionogi, Inc. (f/k/a Sciele Pharma, Inc.) Mail Service - 01/09/12. Filed: 01/10/12. REV(01/25/12 by SCN) 2012-1118
01/20/2012	O	16	Docketing statement for appellee, Shionogi, Inc. (f/k/a Sciele Pharma, Inc.) Mail Service - 01/09/12. Filed: 01/10/12. REV(01/20/12 by SRM) 2012-1118
01/20/2012	O	17	Certificate of interest from the appellee, Sciele Pharma Inc. Mail Service - 01/09/12. Filed: 01/10/12. REV(01/25/12 by SCN) 2012-1118
01/20/2012	O	18	Notice to appellant: The docketing statement for the appellant, Lupin Pharmaceuticals, Inc. et al. is overdue. The docketing statement shall be filed no later than 01/30/2012. Court Service - 01/20/12. Mailed: 01/20/12. REV(01/20/12 by LAW) 2012-1118
01/20/2012	B	19	Lupin, Ltd. and Lupin Pharmaceuticals, Inc. [Appellants] - Brief for Defendants-Appellants. Hand Service-01/05/12. Filed: 01/05/12. REV(01/26/12 by SEW) 2012-1118
01/27/2012	O	20	Entry of appearance for Mark C. Fleming as of counsel on behalf of appellee, Shionogi Inc. Mail Service - 01/24/12. Filed: 01/25/12. REV(01/27/12 by SCN) 2012-1118

United States Court of Appeals for the Federal Circuit**2012-1118: SCIELE PHARMA V LUPIN LTD**

Date	Type	Entry#	Entry Text
01/27/2012	O	21	Docketing statement for appellant, Lupin Ltd. et al. Mail Service - 01/25/12. Filed: 01/25/12. REV(01/27/12 by SRM) 2012-1118
01/30/2012	B	22	Sciele Pharma Inc (n/k/a Shionogi Pharma Inc.) [Appellee] - Brief for Plaintiff-Appellee Shionogi Inc. Mail Service- 01/26/12. Filed: 01/26/12. [Confidential and Nonconfidential versions] REV(01/30/12 by VW) 2012-1118
02/01/2012	O	23	Certificate of interest for appellants Lupin Ltd, et al. Mail Service - 12/27/11. Filed: 12/27/11. REV(02/01/12 by KSH) 2012-1118
02/06/2012	D	25	Disposition: Vacated and Remanded by Panel. Filed: 02/06/12. Mandate issued to the DCT: 02/22/12. REV (02/22/12 by SEW) 2012-1118
02/21/2012	M	26	Joint [Lupin Pharmaceuticals, Inc.] - Expedited Motion for Issuance of Mandate. Mail Service - 02/17/12. Filed: 02/17/12. On consent. Action on Motion (27): Motion granted. The mandate shall issue today. ISSUED AS A MANDATE: February 22, 2012. by Motions Panel. Judge: Moore Filed: 02/22/12. EOD(02/21/12 by LRP) REV(02/22/12 by LS) 2012-1118
04/04/2012	O	28	Notice of Correction sent on behalf of Defendants-Appellants Lupin Ltd. and Lupin Pharmaceuticals Inc. making corrections to the Joint Appendix. Three pages were inadvertently omitted. Mail Service - 03/21/12. Filed: 03/22/12. REV(04/04/12 by VW) 2012-1118